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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 013538

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DEPT FOR S/CT, EAP/MTS
DOJ FOR CTS THORNTON, AAG SWARTZ
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC

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TAGS: [PTER](#) [PGOV](#) [KJUS](#) [ASEC](#) [CASC](#) [ID](#)
SUBJECT: TERROR TRIALS UPDATE: 12 MORE CONVICTIONS

REF: A. JAKARTA 11889
[1](#)B. JAKARTA 10488
[1](#)C. JAKARTA 13454

Classified By: Political Officer Adam West for reasons 1.4(b) and (d).

[1](#)1. (C) Summary: The GOI Attorney General's Office continues to win convictions against terrorists at an impressive pace. Over the past 6 weeks, twelve Indonesians were convicted of terrorism in trials in Jakarta and Central and East Java. Nine of the 12 convicted were involved with fugitive terrorist mastermind Noordin Top during the run-up to the 2005 Bali attacks, including Jemaah Islamiyah recruiter/trainer Subur Sugiyarto, who received a life sentence. Two were connected to the 2004 Australian Embassy bombing and one to the 2001 Atrium Senen Mall attack. The suspects tried in Semarang, Central Java received far tougher sentences than those in either Jakarta or East Java, where prosecutors had difficulty getting the more serious charges to stick. The differences in the outcomes of the various cases highlights the need to continue to expand the reach of training programs for judges and prosecutors throughout Indonesia. End Summary

Tough Sentences in Central Java

[1](#)2. (SBU) The GOI Attorney General's Office (AGO) continued to secure convictions of alleged terrorists at an impressive pace, with 12 more cases all ending in convictions over the past six weeks. Nine of the cases were tried in Semarang, Central Java, where fugitive terrorist Noordin Top spent much of the summer of 2005 in hiding while making preparations for the 2005 Bali attacks, and where experienced terrorism prosecutor Muhammad Salim headed the local prosecutors' office until December 2006. (ref A) Topping the list of the convicted was Jemaah Islamiyah (JI) trainer/recruiter Subur Sugiyarto, alias Abu Mujahid alias Abu Isa alias Marwan Hidayat, who was convicted of inciting others to commit terrorism (article 14 of the 2003 Terrorism Act) and sentenced to life imprisonment. Sugiyarto helped recruit and train a seven-member JI cell in Semarang, including offering military training. Two other men, Joko Wibowo alias Abu Sayyaf bin Parman and Wawan Supriyatin alias Muchlis alias Heri Prasetyo bin Kastolani, were convicted of possessing weapons with intent to commit terrorism (article 9 of the Act) and sentenced to 12 and 10 years respectively. Wibowo supplied a gun to Supriyatin, which the latter used in

a robbery that was intended to generate funds for terrorist activities. Six other men were convicted under article 13 of the Act for aiding and abetting Top and/or Sugiyarto during 2004-5. The sentences were as follows:

- Aditya Triyoga alias Suryo alias Cahyo bin Erindi Soeskiyono - six years
- Ardi Wibowo alias Yudi alias Dedi bin Ahmat Sujak - six years
- Ahmad Arif Hermansyah - 3.5 years
- Harry Setya Rachmadi alias Hari alias Adi bin Rushariyadi - five years
- Joko Suroso alias Pak Man bin Danu Kusno - 10 years
- Sri Puji Mulyo Siswanto - six years

13. (C) With the exception of Hermansyah, the sentences of between five and twelve years handed down in Semarang for violations of article 13 were significantly higher than the sentences for terrorists convicted under the same article in other locations, including Jakarta (ref B). Our court monitor (protect: our court monitor's relationship with the embassy is not publicly acknowledged) witnessed some of the trial sessions and offered several possible explanations for this. For one, the prosecution team was led by highly experienced senior prosecutors who were not afraid of being targeted for reprisals. (Note: fear of reprisals has been cited by some prosecutors in Jakarta as being one reason they are reluctant to prosecute terrorist cases.) In contrast, the defense team, whose members came primarily from the Muslim Defense Team's (TPM) office in Solo, Central Java, were young and poorly prepared. The defense's sole request to call a witness was denied by the judges, who ruled that the testimony of the so-called "expert on jihad" was not

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germane to the case. Additionally, the court monitor stated that the judges in Semarang seemed more engaged than judges in Jakarta, paying close attention to the witnesses' testimony and asking highly detailed questions throughout the sessions.

Convictions in Jakarta and East Java

14. (C) In Malang, East Java, Achmad Basir Umar was sentenced to three years under article 13 for providing hideouts for Top and now-deceased bombmaker Azahari Hussein. Contacts at the Australian Embassy expressed disappointment that Umar had not been charged under the more serious article 14 for inciting terrorism. Umar reportedly had at one time been the leader of JI's East Java branch. Moreover, Azahari protg Moh. Cholily, who was recently sentenced to 18 years for his role in the 2005 Bali attacks, had at one time claimed that Umar had recruited him into Top's and Azahari's network, although he recanted this statement at Umar's trial. (Additionally, we note, the judges ruled Umar guilty under a different sub-section of article 13 than the one cited by prosecutors in their sentencing request, a discrepancy which could constitute the basis of an appeal.)

15. (SBU) In Jakarta two terrorists were recently convicted, but received relatively light sentences. Umar Burhanuddin alias Daud Iskandar alias Heri alias Zaid bin Bukhori (DOB 4 August 1983, POB Magetan) was convicted of aiding and abetting (article 13 of the Anti-Terror Act) for the religious instruction he gave to a group of terrorists near Sukabumi, West Java in 2004. Among the group's members were Syaiful Bahri and Heri Gulom, who went on to become the suicide bombers at the Australian Embassy later that year. Despite his connection to the bombers, Burhanuddin was acquitted on the more serious charge of inciting terrorism (article 14) and given a sentence of only 3.5 years.

16. (C) Separately, Salahuddin alias Agung alias Wawan alias Sukri alias Fadlan alias Bambang alias Risa bin Ahmad Kandai

(DOB 14 June 1976, POB Jakarta) was convicted under the Emergency Act of 1951 for his role in the bomb attack on the Atrium Senen Mall on August 1, 2001 and sentenced to four years in prison. Prosecutors were able to bring as witnesses two men previously convicted for their role in the attack, Taufik bin Abdul Halim and Edi Setiono. Taufik had lost part of his leg in the attack when the bomb, intended for a Christian congregation that held meetings in the Mall, detonated prematurely. Both men testified that Salahudin was in the car with them when they had brought the bomb to the mall, and prosecutors requested a sentence of 20 years largely based on their testimony. The defense argued that this was a case of mistaken identity. Rather incredibly, the judges ruled the defendant guilty but reduced the sentence to a mere four years with the explanation, according to our court monitor, that it was "possible" this was the wrong Salahuddin.

17. (C) Comment: The strong sentences given out in Semarang demonstrate what can happen when cases are tried by experienced prosecutors before judges who appreciate the significance of the terrorist threat. Now that the Attorney General's Task Force on Terrorism and Transnational Crime has become operational (ref C), the number of inexperienced prosecutors handling terrorist trials should diminish. However, Post sees the wide variation in the results of these trials as an indication of the continued need for advanced training for prosecutors and judges such as Post has provided in the past.
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